REMARKS/ARGUMENTS

The above identified patent application has been amended and reconsideration and reexamination are hereby requested. Claims 1-43 are now in the application. Claims 1, 10, 20, 31, 37, 38, 41 and 42 have been amended herein, Claim 36 having been amended by a previous amendment. No Claims have been added or canceled by this amendment.

The Examiner has rejected Claims 1-43 under 35 U.S.C. §103(a) as being unpatentable over Akatsu et al. (US patent 6,633,547) ("Akatsu") and Brooks (US patent 6,008,809) ("Brooks").

The Applicant has amended Claim 1 to call in part for, "wherein the dominant program displays data concurrently with other programs while not being obscured by the other programs and while overlapping at least one of the other programs" (emphasis added). Neither Akatsu nor Brooks discloses a dominant program which displays data concurrently with other programs while not being obscured by the other programs and while overlapping at least one of the other programs, as currently called for in Claim 1 of the present application. As such, Applicant submits that the invention as claimed in Claim 1 is neither taught, described, nor suggested in Akatsu, even in view of Brooks.

The Examiner states on page 2 of the Office Action that, "Akatsu does not specifically state that the dominant program displays data concurrently with other programs while not being obscured by them", and while Brooks may disclose on line 39 of

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column 5 a "dynamic windowing mechanism 128 [which] allows simultaneous viewing of application windows that may be generated from one or more applications", it does not disclose that the dominant program may overlap at least one of the other programs as called for in Claim 1. Rather, Brooks teaches at line 42 of column 5 that, "The dynamic windowing mechanism is executed when a user invokes a dynamic window 212 in order to view multiple application windows simultaneously on the same level, i.e., without overlapping one another".

Brooks is directed to resizing separate windows sharing the same dynamic window as they are manipulated to prevent a possible overlap between them. The abstract of Brooks discloses for example that, "if the dynamic window is empty and a new window is dragged and dropped into the dynamic window, the new window will occupy the entire dynamic window; if the dynamic window contains two windows and a third window is dragged and dropped into the dynamic window, each window will occupy a portion of the dynamic window (without the windows overlapping each other)". By way of illustration, Fig. 12 shows multiple windows sharing the same dynamic window that have been resized by the dynamic windowing mechanism so as not to obscure one another. The abstract continues, "The process of selecting and dragging windows into the dynamic window is repeated until all desired windows are displayed within the dynamic window (again, without overlapping each other)".

Furthermore, although Fig. 5 and others of Brooks show multiple windows that do overlap each other, this is done to illustrate several windows as they might be arranged before the

dynamic windowing mechanism has taken effect. As previously mentioned, Brooks states at line 42 of column 5 that once a user invokes a dynamic window 212, the dynamic windowing mechanism is executed so that the user may view multiple application windows simultaneously on the same level, i.e., without overlapping one another. At this point the dynamic windowing mechanism reorganizes the arrangement shown in Fig. 5 to resemble the arrangement shown in Fig. 12, for example. Therefore the arrangement of Fig. 5 cannot be said to disclose a dominant program displaying data concurrently with other programs while not being obscured by the other programs and while overlapping at least one of the other programs, as called for in Claim 1 because none of the windows in Fig. 5 or similar figures constitutes "a dominant program displaying data concurrently with other programs while not being obscured by the other programs". None of the windows in Fig. 5 is a dominant program because nothing besides their random arrangement prevents any one of the windows shown in Fig. 5 from being obscured by any other of the windows shown.

Separate and apart from the above remarks, Akatsu also teaches away from a combination with Brooks because Akatsu discloses a method of arbitration whereby data from one device at a time can be routed to a home entertainment system and displayed. Akatsu discloses in Col. 6, lines 8-10 that, "[a] physical layer 412 provides an arbitration service to ensure that only one node at a time is sending data" (emphasis added). Akatsu does not disclose concurrent display of data, let alone a master persistence attribute which prevents one concurrent

display from being obscured by another. Brooks in contrast is directed to organizing several separate windows within a dynamic window, which separate windows necessarily constitute the concurrent display of data. Were Akatsu to be combined with Brooks, the arbitration service of Akatsu would prevent the dynamic windowing mechanism of Brooks from functioning properly by ensuring that only one node (window) at a time is sending data. Therefore one skilled in the art would not consider combining Akatsu with Brooks as the Examiner has suggested.

Because neither Akatsu nor Brooks discloses "wherein the dominant program displays data concurrently with other programs while not being obscured by the other programs and while overlapping at least one of the other programs" as currently claimed in Claim 1, and because Akatsu teaches away from a combination with Brooks, the Applicant submits that Claim 1 is neither taught, described, nor suggested in Akatsu, even in view of Brooks. Claims 2-9 are dependent on Claim 1. As such, Claims 2-9 are believed allowable based upon Claim 1 and for the additional limitations contained therein.

The Applicant has amended Claim 10 to call in part for "the persistence attribute enabling a program upon receipt to display data concurrently with other programs while not being obscured by the other programs and while overlapping at least one of the other programs" (emphasis added). Neither Akatsu nor Brooks discloses a dominant program which displays data concurrently with other programs while not being obscured by the other programs and while overlapping at least one of the other

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programs for the reasons discussed above. Furthermore, Akatsu teaches away from a combination with Brooks for reasons also discussed above. As such, the Applicant submit that Claim 10 is neither taught, described, nor suggested in Akatsu, even in view of Brooks. Claims 11-19 and 23-25 are dependent on Claim 10. Therefore, Claims 11-19 and 23-25 are believed allowable based upon Claim 10 and for the additional limitations contained therein.

The Applicant has amended Claim 20 to call for "wherein the dominant program displays data concurrently with other programs while not being obscured by the other programs and while overlapping at least one of the other programs" (emphasis added). Neither Akatsu nor Brooks discloses a dominant program which displays data concurrently with other programs while not being obscured by the other programs and while overlapping at least one of the other programs for the reasons discussed above. Furthermore, Akatsu teaches away from a combination with Brooks for reasons also discussed above. As such, The Applicant submits that Claim 20 is neither taught, described, nor suggested in Akatsu, even in view of Brooks. Claims 21, 22, and 26-30 are dependent on Claim 20. Therefore, Claims 21, 22, and 26-30 are believed allowable based upon Claim 20 and for the additional limitations contained therein.

The Applicant has amended Claim 31 to call for, "wherein a window which has been granted the persistence attribute by the arbiter has exclusive access to a portion of the set of pixel

memory locations <u>in place of at least one other window which</u> <u>would otherwise have access to the portion of the set of pixel</u> <u>memory locations</u>" (emphasis added).

For reasons similar to those discussed above regarding the lack of disclosure in either Akatsu or Brooks of a dominant program which displays data concurrently with other programs while not being obscured by the other programs and <u>while</u> <u>overlapping at least one of the other programs</u>, neither Akatsu or Brooks discloses a window which has exclusive access to a portion of the set of pixel memory locations in place of at least one other window which would otherwise have access to the portion of the set of pixel memory locations as called for in Claim 31. Because of this, and for the further reason that Akatsu teaches away from a combination with Brooks for reasons also discussed above, the Applicant submits that Claim 31 is neither taught, described, nor suggested in Akatsu, even in view of Brooks. Claims 32-36 are dependent on Claim 31. As such, Claims 32-36 are believed allowable based upon Claim 31 and for the additional limitations contained therein.

The Applicant has amended Claim 37 to call for "wherein at least one of the plurality of dominant application programs displays data concurrently with other programs while not being obscured by the other programs <u>and while overlapping at least</u> <u>one of the other programs</u>" (emphasis added). Neither Akatsu nor Brooks discloses a dominant program which displays data concurrently with other programs while not being obscured by the other programs <u>and while overlapping at least one of the other</u>

<u>programs</u> for the reasons discussed above. Furthermore, Akatsu teaches away from a combination with Brooks for reasons also discussed above. As such, The Applicant submits that Claim 37 is neither taught, described, nor suggested in Akatsu, even in view of Brooks.

The Applicant has amended Claim 38 to call for "wherein the dominant program displays data concurrently with other programs while not being obscured by the other programs <u>and while overlapping at least one of the other programs</u>" (emphasis added). Neither Akatsu nor Brooks discloses a dominant program which displays data concurrently with other programs while not being obscured by the other programs <u>and while overlapping at least one of the other programs</u> for the reasons discussed above. Furthermore, Akatsu teaches away from a combination with Brooks for reasons also discussed above. As such, The Applicant submits that Claim 38 is neither taught, described, nor suggested in Akatsu, even in view of Brooks. Claims 39 and 40 are dependent on Claim 38. Therefore, Claims 39 and 40 are believed allowable based upon Claim 38 and for the additional limitations contained therein.

The Applicant has amended Claim 41 to call for "wherein at least one of the plurality of dominant application programs displays data concurrently with other programs while not being obscured by the other programs <u>and while overlapping at least one of the other programs</u>" (emphasis added). Neither Akatsu nor Brooks discloses a dominant program which displays data

concurrently with other programs while not being obscured by the other programs <u>and while overlapping at least one of the other programs</u> for the reasons discussed above. Furthermore, Akatsu teaches away from a combination with Brooks for reasons also discussed above. As such, The Applicant submits that Claim 41 is neither taught, described, nor suggested in Akatsu, even in view of Brooks.

The Applicant has amended Claim 42 to call for "wherein the dominant program displays data concurrently with other programs while not being obscured by the other programs <u>and while overlapping at least one of the other programs</u>" (emphasis added). Neither Akatsu nor Brooks discloses a dominant program which displays data concurrently with other programs while not being obscured by the other programs <u>and while overlapping at least one of the other programs</u> for the reasons discussed above. Furthermore, Akatsu teaches away from a combination with Brooks for reasons also discussed above. As such, The Applicant submits that Claim 42 is neither taught, described, nor suggested in Akatsu, even in view of Brooks. Claim 43 is dependent on Claim 42. Therefore, Claim 43 is believed allowable based upon Claim 42 and for the additional limitations contained therein.

Accordingly, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Applicant respectfully requests entry of the
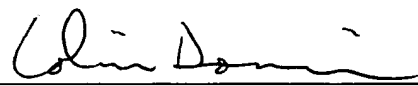
amendment and reconsideration and reexamination of the above Application. Should there be any further issues that can be addressed by telephone, applicant invites the Examiner to contact the undersigned at the number indicated below.

Respectfully submitted,

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